



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING April 18, 2012

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 18th of April, 2012 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 P.M. Roll call showed 6 members present: Daryl Anderson, Jeff Christensen, Randy Kauk, Kenneth Kozisek, Jack Reimers, and Terry Spilinek. Those absent were: Dave Sack, Ron Kulwicki & Lauren Scarborough. Also present were Franz Trumler, Planning & Zoning Administrator, and Cherri Klinginsmith, Secretary. The Open Meeting Act is posted in the rear of the room. Administrator Trumler read the Notice of Meeting. A proof of publication is filed at the Howard County Clerks office. The Agenda and minutes of the March 21st, 2012 meeting were mailed to board members prior to the meeting. A motion was made by Jeff Christensen and 2nd by Ken Kozisek to approve minutes as written. The motion passed on a unanimous voice vote.

At 7:05 P.M. the Public Hearing on a Single lot Subdivision application by Marvin Welty. This Subdivision, called **Marvin Welty Subdivision** with 3.074+- acres will be located in the SE ¼ of the SE ¼ of Section 29-13-11 of the 6th P.M. in Howard County. Administrator Trumler read the Notice of Meeting. Marvin Welty presented the subdivision to the board and answered their questions. Administrator Trumler stated Marvin has waited several years to have this done, now that the property has been taken out of the floodplain he is able to proceed. Mr. Welty explained he wants to sell the property for someone to build a residence. There was no opposition present during the hearing. A motion was made by Daryl Anderson and 2nd by Jeff Christensen. to approve the application. A roll call vote was taken and the motion carried 6-0, with 1 abstaining. Board member Lauren Scarborough abstained due to arriving late. A Finding of Fact was completed. (See Attached)

At 8:15 P.M. the Public Hearing for a **Conditional Use Permit Application by Chris Mudd** for the application of livestock waste to be applied through irrigation systems in the NW ¼ of Section 5-16-10 of the 6th P.M. in Howard County. Administrator Trumler read the Notice of meeting. Chris Mudd presented the details to the board, stating he would like to pump Hog affluent from the Wolbach Foods to his property and have it applied through his pivot. Testimony in favor included Reed Anderson, farm operator, Jim Buckley from Progressive Swine Technologies, and Chris Mudd, land owner. In favor points included: the project is approved by the DEQ, it will help plant growth, a economical method of applying nutrients back into the ground, adds value to the producer for their ground, and inspections are done by the DEQ and everything is logged. Testimony opposed included Mr. & Mrs. Sprague, Alvin Burke, Marty Post, Joan Christensen, Mr. & Mrs. Thompson and Lois Berggren. Opposed points included: Everyone in favor doesn't live near this proposed site. The Loup River water shed is near by and if this manure is soaked into our drinking water and water used for our animals to drink out of, what diseases, and antibiotics will be going into our bodies. The pivot could malfunction and the well could be backed up, and the winds that blow in Nebraska, the city of St. Paul could smell it. The stench of the smell of Wolbach Foods stays in the air all day and at times permeates into our house and clothing. Greeley County allowed the Wolbach foods to be built, let Greeley county deal with their problem, keep Howard County out of it. After much discussion by the board, a motion was made by Jeff Christensen and 2nd by Ken Kozisek to approve Conditional Use Permit with the following conditions attached: Permit will be good for 1 year, to be applied from April 20th to July 1, 2012. No end gun to be used. The well must be unhooked. A maximum of 3 applications not to exceed ¾" each time and the Zoning office will need to receive pumping records and an analysis of nitrogen. A roll call vote was taken and the motion carried 5-2, with 1 abstaining. Board member Ron Kulwicki abstained due to arriving late. A Finding of Fact was completed. (See Attached)



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At 9:45 P.M. the Public Hearing for a **Conditional Use Permit Application by David A. Primrose, owner is Randy Christensen** for the application of livestock waste to be applied through irrigation systems in the N ½ of Section 4-16-10 of the 6th P.M. in Howard County. Administrator Trumler read the Notice of meeting. David Primrose was present to answer the board's questions and explained that after listening to the prior hearing he was okay with all the stipulations that come with the permit. The ground is hilly and erodible and part of the ground has been disked up to allow for 2 pivots to be placed. There is a building site currently being lived in, and once the sale of land is final he will be renting that property out. The same testimony was heard in favor and opposed as the last hearing, however more opposition due to this ground being highly erodible and a neighbor stated there is a dam separating his land from this, but it currently over flows with rain as it is now. The ground currently is not on the DEQ list for Wolbach Foods. A motion was made by Ken Kozisek and 2nd by Jeff Christensen to deny the conditional use permit. A roll call vote was taken and the motion carried 8-0. A Finding of Fact was completed. (See Attached) The board members did propose to Mr. Primrose that once the ground is on the manure management plan, has been and farmed and the information is more complete it would be okay for him to reapply.

Next item of discussion was with resident Dennis and Travis Wilkinson. Dennis informed the board he has 9 acres with a house and there used to be a trailer house hooked up years ago, his son with his family would like to put a trailer house back onto the place so they could help take care of the horses and other farm chores. He has talked to neighbors and no one has a problem with having a trailer house there. The board explained in order for us to approve this, we would have to change our regulations, this is not allowed for under 20 acres of ground. They stated to ask neighboring land owner for 11 acres to purchase and then this would be allowable for your situation. Administrator Trumler stated he could come in and request to talk to the Variance board. Dennis thanked the board for their time.

Next item on the agenda was old business regarding Jay Peterson. Administrator Trumler shared a letter he has written and asked if there are any other changes, the changes were made and a letter will be sent shortly. The second item for old business is the issue of county easements. Administrator Trumler explained what the board of commissioners shared with him. It was decided to hold a public hearing to add wording to our regulations.

A motion was made by Jeff Christensen and 2nd by Jack Reimers to adjourn at 10:45 P.M.

The next meeting is scheduled for May 16, 2012
at 8:00 P.M.

Cherri Klinginsmith, Acting Secretary